

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ANTHONY CAMPBELL TOTA,

Plaintiff,

v.

ORDER
06-CV-514S

FRANZEN, JAMESTOWN POLICE
DEPARTMENT, et al.,

Defendants.

1. Plaintiff, acting *pro se*, commenced this action on July 31, 2006, by filing a Complaint in the United States District Court for the Western District of New York. Plaintiff contends that Defendant Officers of the Jamestown Police Department and Chautauqua Sheriff's Department used excessive force against him.

2. On October 25, 2006, this Court referred this matter to the Honorable Hugh B. Scott, United States Magistrate Judge, for all pretrial matters pursuant to 28 U.S.C. § 636(b)(1).

3. On November 14, 2006, Plaintiff filed a Motion seeking sanctions against defense counsel.

4. Judge Scott filed a Decision denying Plaintiff's Motion for Sanctions on November 28, 2006. Plaintiff thereafter filed Objections to Judge Scott's Decision on December 14, 2006.

5. Rule 72 of the Federal Rules of Civil Procedure provides, in pertinent part, that whenever a magistrate judge issues an order resolving a non-dispositive matter, a party may file objections to that order. Thereafter, "[t]he district judge to whom the case is assigned shall consider such objections and shall modify or set aside any portion of the

magistrate judge's order found to be clearly erroneous or contrary to law." Fed. R. Civ. P. 72 (a).

6. After carefully considering Plaintiff's Objections and the applicable law, this Court finds that Judge Scott's Decision is neither clearly erroneous nor contrary to law. Plaintiff has failed to establish sufficient cause to disturb Judge Scott's decision, which is entitled to due deference. Accordingly, Plaintiff's Objections to Judge Scott's Decision are denied.

7. For the foregoing reasons, this Court finds that Judge Scott's Decision (Docket No. 15) is neither clearly erroneous nor contrary to law.

IT HEREBY IS ORDERED that Plaintiff's Objections (Docket No. 16) to Judge Scott's Decision are DENIED.

SO ORDERED.

Dated: February 21, 2007
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge